

# **EXHIBIT 74**

## **SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA  
MUNIZ, ELIZA CAMBA, SAL CATALDO,  
EMIR GOENAGA, JULIAN SANTIAGO,  
HAROLD NYANJOM, KELLIE NYANJOM,  
AND SUSAN LYNN HARVEY,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

vs.

NO. 3:20-CV-04688

GOOGLE LLC,

DEFENDANT.

\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF SUSAN HARVEY

\*VIA REMOTE COUNSEL VIDEOCONFERENCE\*

THURSDAY, OCTOBER 27, 2022

VOLUME I

STENOGRAPHICALLY REPORTED BY:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

JOB NO. 5516967

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1 times today. I don't think it's happened at all. 05:03:53

2 And there have been time where she said "Excuse me?" 05:03:55

3 and there was some pause and you have rephrased. 05:03:58

4 And other times she's tried her best to answer and 05:04:00

5 has answered. 05:04:04

6 So I don't -- I don't think you can make 05:04:05

7 that blanket statement. I think the record will 05:04:06

8 bear that out. 05:04:09

9 BY MR. MATEEN: 05:04:33

10 Q. Ms. Harvey, you believe that Google has 05:04:34

11 collected information about you when you've had WAA 05:04:35

12 off, right? 05:04:38

13 A. Yes, I do. 05:04:39

14 Q. Do you believe that Google has shared that 05:04:45

15 information with other parties? 05:04:49

16 A. That's what we're trying to find out. 05:04:52

17 Q. To clarify, are you stating that this 05:04:59

18 lawsuit is about Google sharing information 05:05:02

19 collected when WAA is turned off with other parties? 05:05:05

20 A. Yes, that's -- that's my main thing. I 05:05:10

21 shut the thing off and information was collected. 05:05:12

22 It shouldn't have been collected in the first place. 05:05:15

23 Because it says I'm in control. With what they did, 05:05:17

24 I'm not in control. I don't know what's going on. 05:05:20

25 Q. Do you have any basis to claim that Google 05:05:26

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1 has shared information collected when WAA is turned 05:05:30  
2 off with third parties? 05:05:34  
3 A. Why should it be collected in the first 05:05:36  
4 place? If it's collected, yeah, I want to know. 05:05:39  
5 Why would they collect it if they weren't doing 05:05:43  
6 something with it? 05:05:48  
7 Q. Ms. Harvey, do you have any basis for 05:05:52  
8 stating that the information has been shared with 05:05:54  
9 third parties? 05:05:57  
10 A. That's what I'm trying to find out. I 05:05:58  
11 know it was collected, and it wasn't supposed to be 05:06:00  
12 collected in the first place. 05:06:03  
13 Q. Have you found out any basis thus so far? 05:06:08  
14 A. That's not for me to speculate on. 05:06:11  
15 MR. MATEEN: Okay. We're good on this 05:06:40  
16 document. 05:06:42  
17 THE WITNESS: I lost him. 05:06:50  
18 Thank you. 05:06:56  
19 MR. LEE: No problem. 05:06:56  
20 BY MR. MATEEN: 05:06:57  
21 Q. Ms. Harvey, can you list every type of 05:07:18  
22 harm you've suffered from the actions you've alleged 05:07:20  
23 in this lawsuit? 05:07:24  
24 MR. LEE: Hold on. 05:07:25  
25 Objection. Calls for a legal 05:07:26

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1 conclusion -- or to the extent it calls for a legal 05:07:26  
2 conclusion. 05:07:29  
3 Go ahead and answer as best you can. 05:07:30  
4 THE WITNESS: Best I can, well, my 05:07:32  
5 personal information has been collected. It's been 05:07:33  
6 saved. It's been used. It's been many things. And 05:07:36  
7 it was valuable. I -- I do not understand at all 05:07:39  
8 why is there an option to shut it off so it can't be 05:07:43  
9 done and then it happens anyway. To me, that's a 05:07:47  
10 harm. It's very disturbing and very offensive. 05:07:49  
11 BY MR. MATEEN: 05:07:53  
12 Q. Why is it disturbing? 05:07:57  
13 A. Why is it disturbing? Why am I being lied 05:07:59  
14 to? Why am I told that my information's not going 05:08:02  
15 to be saved and that it's not going to be used and 05:08:05  
16 it's not -- nothing's going to happen with that 05:08:07  
17 information because you're in control. I'm not in 05:08:10  
18 control. Sort of makes you feel like you're 05:08:13  
19 floating, and that's not right because I thought I 05:08:18  
20 knew that I was safe and I'm not. 05:08:20  
21 Q. Have you suffered any financial harm? 05:08:36  
22 A. Yes. My data was valuable. 05:08:38  
23 Q. Do you know how much financial harm you 05:08:58  
24 suffered? 05:09:01  
25 A. I can't state. Google knows. 05:09:02

1 can't keep that promise. You can't figure out how 05:21:27  
2 to do it, that's not my fault. They shouldn't have 05:21:30  
3 made a promise in the first place. 05:21:34

4 Q. So I understand that you believe that a 05:21:35  
5 court would not do this. But just imagine for the 05:21:39  
6 possibility that you were wrong about what is and 05:21:44  
7 isn't illegal and the court rules that from Google 05:21:47  
8 doesn't have to change it's behavior. 05:21:52

9 Would you then delete those apps? 05:21:54

10 A. I can't believe that would ever happen. 05:21:57

11 Q. Ms. Harvey, I understand that you cannot 05:22:00  
12 believe that it will happen, but imagine that it 05:22:01  
13 does. 05:22:05

14 A. I -- I can't imagine that. Why -- why 05:22:06  
15 would that happen? You can't make a promise, break 05:22:09  
16 that promise, make money off people's data when they 05:22:12  
17 said that they weren't going to do that, and -- and 05:22:17  
18 it be okay. It's not okay. 05:22:19

19 Q. Ms. Harvey, for example, your last case 05:22:23  
20 was dismissed on statute of limitations grounds. 05:22:25  
21 Let's say that this case gets dismissed on statute 05:22:28  
22 of limitations grounds. 05:22:32

23 In that case, would you delete these apps 05:22:34  
24 off your phone? 05:22:38

25 A. It's not going to get dismissed for 05:22:40

1 statute of limitations. So I don't even have to 05:22:42  
2 consider that, correct? 05:22:45  
3 Q. Would you ever delete your Google account? 05:22:48  
4 MR. LEE: Objection. Vague. 05:22:52  
5 THE WITNESS: What other option do I have 05:22:55  
6 on an Android device so I can use the Play Store? 05:22:57  
7 MR. LEE: Can I get a time check? 05:23:11  
8 THE VIDEO OPERATOR: 6:23. 05:23:19  
9 MR. LEE: I'm sorry? 05:23:20  
10 THE WITNESS: Six hours, 23 minutes. 05:23:22  
11 MR. LEE: Thank you. 05:23:29  
12 BY MR. MATEEN: 05:23:29  
13 Q. Ms. Harvey, since filing this case, have 05:23:30  
14 you used any apps differently than you did before? 05:23:33  
15 A. No. I'm trying to find out what's going 05:23:38  
16 on. It's being investigated right now. They're 05:23:40  
17 checking everything out. So if I stopped using 05:23:46  
18 those things, then nothing would be found out, would 05:23:49  
19 it? 05:23:52  
20 Q. Have you interacted with anyone in your 05:23:53  
21 life any differently than before you filed your 05:23:55  
22 lawsuit? 05:23:57  
23 MR. LEE: Objection. Vague. 05:23:58  
24 THE WITNESS: With who? I don't 05:24:02  
25 understand. 05:24:04

1 BY MR. MATEEN: 05:24:05

2 Q. Have you communicated with anybody you 05:24:11

3 know differently? 05:24:15

4 MR. LEE: Objection. Vague. 05:24:17

5 BY MR. MATEEN: 05:24:18

6 Q. Have you communicated with anybody you 05:24:23

7 know differently since filing your lawsuit? 05:24:24

8 MR. LEE: Objection. Vague. 05:24:27

9 BY MR. MATEEN: 05:24:27

10 Q. Ms. Harvey, you can answer to the extent 05:24:36

11 that you are able to. 05:24:37

12 A. Who? 05:24:39

13 Q. Any person. 05:24:41

14 A. People that I know? 05:24:42

15 Q. Yes. 05:24:43

16 A. Why would I do that? They didn't do it. 05:24:44

17 They didn't make me a promise and break it. 05:24:48

18 Q. Have you taken any steps to protect 05:24:55

19 yourself from the alleged misconduct from Google? 05:24:57

20 A. I seeked a lawyer's advice. My 05:25:01

21 Web & App Activity is off. I was thinking the 05:25:06

22 information wasn't being collected and it was. 05:25:07

23 So, yes, I seeked a lawyer's advice. 05:25:10

24 Q. Since -- 05:25:13

25 THE VIDEO OPERATOR: Excuse me. This is 05:25:16